



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DANIEL A. LORBER
53 Norway Avenue
Staten Island, NY 10305

Plaintiff,

v.

U.S. DEPARTMENT OF THE TREASURY
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Defendant.

CV 14 - 00675

KUNTZ, J.

C.A. No. _____

SCANLON, M.J.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. Section 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant U.S. Treasury ("Treasury") and its component Internal Revenue Service ("IRS").

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. Section 552(a)(4)(B). This Court also has jurisdiction over this action pursuant to 28 U.S.C. Section 1331. Venue lies in this district under 5 U.S.C. Section 552(a)(4)(B).
3. Plaintiff ("Lorber") is an individual who resides in Staten Island, New York. Mr. Lorber is presently seeking records from the Defendant. The information sought is being requested for both personal and public use. The
4. Defendant Treasury is a Department of the Executive Branch of the United States Government, and includes component entity IRS. The Treasury is an agency within the meaning of 5 U.S.C. Section 552(f).

Plaintiff's FOIA Requests and Defendants' Failure to Timely Comply with Plaintiff's Request

5. On August 26, 2013, Plaintiff filed a FOIA request with the Defendant. ~~A copy of the FOIA request is attached herewith as Exhibit A.~~ In addition to the records requested, Mr. Lorber requested expedited processing because of a compelling need to inform the public concerning actual or alleged Federal Government hiring practices. Further, this information is needed for potential litigation against the Defendant.
6. Mr. Lorber previously provided the IRS with an extension to November 12, 2013 to provide the requested records.
7. Per telephone call with Ms. Nanette Beamon on November 4, 2013, Ms. Beamon indicated the Defendant needed two additional months to respond to the FOIA request.
8. To date, defendant has not provided the records requested by plaintiff in its FOIA request, notwithstanding the FOIA's requirement of an agency response within (20) working days.
9. Plaintiff has exhausted the applicable administrative remedies with respect to its FOIA request to IRS.

Requested Relief

WHEREFORE, plaintiff prays that this Court:

- A. Order defendant to disclose the requested records in their entireties and provide the requested records on a CD-ROM;
- B. Provide for expeditious proceedings in this action;
- C. Award plaintiff its costs incurred in this action; and
- D. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

Handwritten signature of Daniel A. Lorber, dated 1/31/2014.

Daniel A. Lorber, *pro se*
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